

## Message Text

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ORIGIN VO-03

INFO OCT-01 ARA-10 ADP-00 SCA-01 H-03 EUR-06 CIAE-00

FBIE-00 INSE-00 NSAE-00 L-03 LAB-06 SIL-01 PRS-01

USIA-15 PA-03 /053 R

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H:ELKRIZEK

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FM SECSTATE WASHDC

TO AMEMBASSY MEXICO

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E.O. 11652: GDS

TAGS: CVIS, MX

SUBJECT: STATUS OF PROPOSED IMMIGRATION LEGISLATION

BEGIN UNCLASSIFIED

1. ADMINISTRATION HAS SUBMITTED BILL, H.R. 9409, CONTAINING PROPOSALS FOR WESTERN HEMISPHERE. BILL WOULD ESTABLISH SEPARATE NUMERICAL LIMITATION OF 35,000 EACH FOR CANADA AND MEXICO, ESTABLISH LIMITATION OF 70,000 FOR REST OF WESTERN HEMISPHERE, REVERSE OPERATION OF SECTION 212(A)(14) AND MAKE SEPARATE PROVISIONS FOR ADMISSION OF REFUGEES, MODIFY PREFERENCE SYSTEM AND APPLY MODIFIED PREFERENCE SYSTEM TO WESTERN HEMISPHERE, TO CANADA AND TO MEXICO. THIS BILL HAS BEEN REFERRED TO HOUSE JUDICIARY COMMITTEE.

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2. HOUSE JUDICIARY COMMITTEE HAS RECENTLY REPORTED FAVOR-

ABLY A BILL, H.R. 981, WHICH REPRESENTS COMMITTEE THINKING ON ABOVE SUBJECTS. THIS BILL WOULD LEAVE 120,000 OVERALL WESTERN HEMISPHERE NUMERICAL LIMITATION UNCHANGED BUT WOULD APPLY EXISTING PREFERENCE SYSTEM TO WESTERN HEMISPHERE AS WELL AS 20,000 FOREIGN STATE LIMITATION. COMMITTEE IS PHILOSOPHICALLY OPPOSED TO SEPARATE OR SPECIAL TREATMENT FOR ANY COUNTRY AND IS COMMITTED TO ABSOLUTE EQUALITY OF TREATMENT FOR ALL COUNTRIES. BILL, AS

REPORTED, ALSO CONTAINS PROPOSAL TO AMEND H-2 PROVISION TO ALLOW ALIEN WORKERS TO ENTER TEMPORARILY TO OCCUPY POSITIONS EITHER TEMPORARY OR PERMANENT IN NATURE AND TO REQUIRE LABOR CERTIFICATION AS AN ABSOLUTE PREREQUISITE FOR H-2 CLASSIFICATION.

3. DEPARTMENT VIEWS PROSPECTS FOR ENACTMENT OF EITHER BILL AS PROBLEMATIC AT BEST. IN VIEW OF HOUSE JUDICIARY COMMITTEE ACTION ON H.R. 981 AND ITS GENERAL COMMITMENT TO EQUALITY OF TREATMENT FOR ALL COUNTRIES PROSPECTS FOR FAVORABLE ACTION ON ADMINISTRATION BILL, H.R. 9409, ARE VIRTUALLY NIL. PROSPECTS FOR PASSAGE OF H.R. 981 BY HOUSE OF REPRESENTATIVES ARE FAIR TO GOOD, BUT POSSIBILITY OF SENATE ACTION APPEARS REMOTE AT THIS TIME.

4. COMING ON HEELS OF RECENT US/MEXICO MEETING ON ILLEGAL IMMIGRANTS, PRESS MISINFORMATION CONCERNING CONSTRUCTION OF FENCES ALONG BORDER, AND MISUNDERSTANDING OF USE OF ELECTRONIC DEVICES, HOUSE JUDICIARY COMMITTEE ACTION ON H.R. 981 COULD INFLAME MEXICAN PRESS. WHILE DEPARTMENT BELIEVES THAT PRESS RELEASE, EITHER BY EMBASSY OR BY DEPARTMENT, INAPPROPRIATE AT THIS STAGE, EMBASSY MAY DRAW UPON FOLLOWING TO RESPOND TO PRESS INQUIRIES:

A. JUDICIARY COMMITTEE BILL, H.R. 981, DOES NOT REFLECT ADMINISTRATION VIEW POINT WHICH CONTAINED IN H.R. 9409.

B. H.R. 981 REFLECTS PHILOSOPHICAL COMMITMENT TO ABSOLUTE EQUALITY OF TREATMENT FOR ALL COUNTRIES AND WHILE IT DOES NOT DISCRIMINATE IN FAVOR OF MEXICO IT ALSO DOES NOT DISCRIMINATE AGAINST MEXICO BUT PUTS MEXICO ON SAME LIMITED OFFICIAL USE

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FOOTING AS ALL OTHER COUNTRIES.

C. WHILE PER COUNTRY LIMITATION OF 20,000 WILL CUT BACK ON NUMERICALLY LIMITED IMMIGRATION FROM MEXICO, APPLICATION OF PREFERENCE SYSTEM WILL RATIONALIZE SELECTION SYSTEM AND ABOLISH PRESENT UNSATISFACTORY SYSTEM IN WHICH ALL WAIT IN A SINGLE LONG LINE WITHOUT REGARD TO RELATIONSHIP OR PROFESSIONAL OR OCCUPATIONAL QUALIFICATION.

D. H.R. 981 MAKES NO CHANGE IN PROVISION FOR IMMIGRATION WITHOUT NUMERICAL LIMITATION BY "IMMEDIATE RELATIVES" WHICH MADE UP ONE-THIRD OF TOTAL IMMIGRATION FROM MEXICO IN FY 1973.

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5. FYI. IMMIGRATION SUBCOMMITTEE OF HOUSE JUDICIARY COMMITTEE BELIEVES THAT PROPOSAL TO AMEND H-2 PROVISION WILL TEND TO OFFSET REDUCTION IN IMMIGRATION FROM MEXICO. SUBCOMMITTEE BELIEVES THAT MANY MEXICANS WHO COME TO US, LEGALLY OR ILLEGALLY, DO SO TO EARN MONEY HERE OVER A LIMITED PERIOD OF TIME AND RETURN TO MEXICO, RATHER THAN FOR PURPOSE OF SETTLING IN US PERMANENTLY OR INDEFINITELY. SUBCOMMITTEE THUS SEES H-2 AMENDMENT AS PROVIDING TO MEXICANS OPPORTUNITY TO ATTAIN THE DESIRED END WITHOUT OBTAINING IMMIGRANT VISA AND BELIEVES THAT THIS POSSIBILITY WILL REDUCE OR ELIMINATE POSSIBLE ADVERSE IMPACT OF REDUCTION IN IMMIGRATION. DEPARTMENT HAS SUBSTANTIAL RESERVATIONS BOTH ABOUT ATTITUDES OF MEXICANS COMING TO US AND ABOUT PRACTICAL EFFECT OF H-2 AMENDMENT AND FEELS THAT DISCUSSION OF THIS PROPOSAL SHOULD BE AVOIDED IF AT ALL POSSIBLE. ROGERS

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